

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thorsten Schwenke

Title: FLUID COMPOSITION USED
TO STIMULATE HUMAN
SYNOVIAL FLUID

Appl. No.: 10/588,680

International 2/11/2005

Filing Date:

371(c) Date:

Examiner: Unknown

Art Unit: 1651

Confirmation 9237
Number:

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests a refund of \$100.00 for the examination fee that was charged to the deposit account in the above-identified application. Attached is a copy of the Monthly Statement of Deposit Account, dated April 2007, for Deposit Account No. 50-2350., together with a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 and a copy of the OIPE stamped postcard.

The above-referenced application was filed on August 8, 2006, with a Credit Card Payment Form in the amount of \$1,550.00. Of this amount, \$100.00 was payment for the examination fee (see page 2 of attached Transmittal Letter). However, the examination fee for this application should have been \$200.00. Therefore, Applicant owed an additional \$100.00, and included language with the filing authorizing the USPTO to charge the deposit

account for any underpayment. However, on April 3, 2007, the USPTO charged a total of \$200.00 to our deposit account, instead of the outstanding amount of \$100.00. Therefore, Applicant respectfully requests that a credit of \$100.00 be made to Deposit Account No. 50-2350.

In view of the foregoing, it is believed that no fee is required for filing this petition, but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing of this petition to Deposit Account No. 50-2350.

Respectfully submitted,

Date April 18, 2007

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4303
Facsimile: (608) 258-4258

By Joseph P. Meara
Joseph P. Meara
Attorney for Applicant
Registration No. 44,932



**United States
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Trademark Office**

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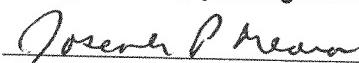
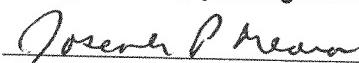
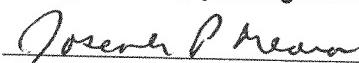
Deposit Account Statement

Requested Statement Month: April 2007
Deposit Account Number: 502350
Name: FOLEY & LARDNER
Attention: SHARON J DUDLEY
Address: 150 E GILMAN STREET
City: MADISON
State: WI
Zip: 53701-1497
Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/02	2232 60909221	037213-0109	2005	\$100.00	\$15,180.00
04/03	4 10588680	047940-0278	1633	\$200.00	\$14,980.00
<hr/>					
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
		\$15,280.00	\$300.00	\$0.00	\$14,980.00

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 047940-0278 U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)
INTERNATIONAL APPLICATION NO. PCT/US2005/004551	INTERNATIONAL FILING DATE 02/11/2005	PRIORITY DATE CLAIMED 02/12/2004
TITLE OF INVENTION FLUID COMPOSITION USED TO STIMULATE HUMAN SYNOVIAL FLUID		
APPLICANT(S) FOR DO/EO/US Thorsten Schwenke		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern other document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

U.S. APPLICATION NO. (If known, see 37 CFR. 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2005/004551	ATTORNEY'S DOCKET NUMBER 047940-0278																																																																																																																																																													
<p>The following fees have been submitted:</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee</td> <td>\$300</td> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee</td> <td></td> <td></td> <td></td> </tr> <tr> <td>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)</td> <td>\$100</td> <td>\$ 100.00</td> <td></td> </tr> <tr> <td>All other situations</td> <td>\$200</td> <td></td> <td></td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> Search fee</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority</td> <td>\$100</td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared and provided to the Office</td> <td>\$400</td> <td></td> <td></td> </tr> <tr> <td>All other situations</td> <td>\$500</td> <td>\$ 100.00</td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF ABOVE 21, 22 and 23 =</td> <td>\$ 500.00</td> <td></td> </tr> <tr> <td colspan="5"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof. </td> </tr> <tr> <td>Total Sheets</td> <td>Extra sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td></td> </tr> <tr> <td>16 - 100 = 0</td> <td>/50 = 0</td> <td></td> <td>x \$ 250.00</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="5">Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))</td> </tr> <tr> <td colspan="2">CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> </tr> <tr> <td colspan="2">Total Claims</td> <td>29 - 20 = 9</td> <td></td> <td>x \$ 50.00 \$ 450.00</td> </tr> <tr> <td colspan="2">Independent Claims</td> <td>6 - 3 = 3</td> <td></td> <td>x \$ 200.00 \$ 600.00</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td></td> <td>+ \$ 360.00</td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td colspan="2">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 1550.00</td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½. </td> <td></td> <td>+ \$ 0.00</td> <td></td> </tr> <tr> <td colspan="2"></td> <td colspan="2">SUBTOTAL =</td> <td>\$ 1550.00</td> </tr> <tr> <td colspan="2">Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td colspan="2">TOTAL NATIONAL FEE =</td> <td>\$ 1550.00</td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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A duplicate copy of this sheet is enclosed.</td> </tr> <tr> <td>d. <input checked="" type="checkbox"/></td> <td colspan="4">Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</td> </tr> <tr> <td colspan="5"> NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. </td> </tr> <tr> <td colspan="5">SEND ALL CORRESPONDENCE TO:</td> </tr> <tr> <td colspan="5"> Foley & Lardner LLP Customer Number: 23524 </td> </tr> <tr> <td colspan="5">  SIGNATURE Joseph P. Meara NAME 44,932 REGISTRATION NUMBER </td> </tr> </table>					21. <input checked="" type="checkbox"/> Basic national fee	\$300	\$ 300.00		22. <input checked="" type="checkbox"/> Examination fee				If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)	\$100	\$ 100.00		All other situations	\$200			23. <input checked="" type="checkbox"/> Search fee				Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority	\$100			International Search Report prepared and provided to the Office	\$400			All other situations	\$500	\$ 100.00		TOTAL OF ABOVE 21, 22 and 23 =		\$ 500.00		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.					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THE U.S. PATENT AND TRADEMARK OFFICE
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ACKNOWLEDGES RECEIPT OF THE ITEMS
CHECKED BELOW:

MAILED VIA EXPRESS MAIL
LABEL NO. EV 768622665 US

In re: Int'l Appl. No.: PCT/US2005/004551

Applicant: Thorsten Schwenke

Int'l Filing Date: 11 February 2005

Earliest Claimed Priority Date: 12 February 2004

Title: FLUID COMPOSITION USED TO
STIMULATE HUMAN SYNOVIAL FLUID

Date Mailed: August 8, 2006

- Transmittal Letter to the US Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (duplicate)(2 pages)
- Application Data Sheet (3 pages)
- Executed Declaration and Power of Attorney (4 pages)
- Credit Card Payment Form, \$1550
- Certificate of Express Mail

10/588680

DOCKET NO.: 047940-0278

Atty.: JPM

APR 7 2006 PCT/PTO 08 AUG 2006